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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,647	08/28/2003	Richard Myrle Benson	1780/1	7279
23381	7590	05/03/2005	EXAMINER	
DORR CARSON SLOAN & BIRNEY, PC			STEWART, ALVIN J	
3010 EAST 6TH AVENUE			ART UNIT	
DENVER, CO 80206			PAPER NUMBER	
			3738	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/650,647	BENSON, RICHARD MYRLE	
	Examiner	Art Unit	
	Alvin J Stewart	3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 8-12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biedermann et al US Patent 6,051,026 in view of Chen US Patent 6,305,869.

Biedermann et al discloses a pylon/foot component (18 & 21), a tubular pylon (21), a pyramidal boss (15), a tubular portion (18), an annular socket portion, a clamp (20), tabs, a plurality of adjusting screws (19), a slot (11) and a bolt.

Regarding claims 3 and 12, see Figure 1.

Chen teaches a tubular portion having a clamp portion (3) having a handle (31), a cam, a camming cup, a bolt (32), a threaded end and a thumb nut (33) located at the lower end for the purpose of connecting the tubular portion with a lower pylon.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the bolt of the Biedermann reference with the clamp connector of the Chen reference in order to have a quick release connection between the tubular portions (see col. 1).

Regarding claims 9 & 10, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the length and angle of the handle to have a sufficient length to curve around the tubular portion opposite the formed slot so as to extend to a region at least 45 degrees beyond a diameter of the tubular

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portion because Applicant has not disclosed that having a handle having sufficient length provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well without extending a region at least 45 degrees beyond a diameter of the tubular portion because both references would perform equally as well.

Therefore, it would have been an obvious matter of design choice to modify the Biedermann et al in view of the Chen reference.

Claims 5, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biedermann et al US Patent 6,051,026 in view of Chen US Patent 6,305,869 as applied to claims 1 and 4 above, and further in view of Marczynski et al US Patent 6,561,124 B1.

Biedermann in view of Chen discloses the invention substantially as claimed. However, Biedermann as modified by Chen does not disclose a thumb nut having an internal threaded nylon insert.

Marczynski et al teaches a thumb nut having a thumb nut comprising an internal threaded nylon insert for the purpose of having a tight connection between the bolt and the nut.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Biedermann et al reference in view of Chen in order to a tight connection between the bolt and the nut.

Claims 7 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biedermann et al US Patent 6,051,026 in view of Chen US Patent 6,305,869 as applied to claims 1 and 6 above, and further in view of Stefancich US Patent 4,430,017.

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Biedermann as modify by Chen discloses the invention substantially as claimed. However, Biedermann as modify by Chen does not disclose a nylon insert in the camming cup.

Stefancich teaches a clamp having a plurality of nylon bushing (43 & 44; col. 4, lines 26-31) for the purpose of retaining the cam element against axial displacement of the bolt.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Biedermann as modify by the Chen reference with the nylon bushing of the Stefancich reference in order to retain the cam element against axial displacement of the bolt.

Claims 17 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biedermann et al US Patent 6,051,026 in view of Chen US Patent 6,305,869 as applied to claims 6 and 14 above, and further in view of Hsieh US Patent 4,744,690.

Biedermann et al in view of Chen discloses the invention substantially as claimed. However, Biedermann as modify by Chen does not disclose a tension spring element for the purpose of providing the clamping ring with a restoring ring (see col. 2, lines 25-28).

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Stewart whose telephone number is 703-305-0277. The examiner can normally be reached on Monday-Friday 7:00AM-5:30PM(1 Friday B-week off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 703-308-2111. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. Stewart
ALVIN J. STEWART
PRIMARY EXAMINER

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October 26, 2004.